

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CARMEN VEGA,

Plaintiff,

v.

Case No. 16-11286
Honorable Linda V. Parker

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

_____/

**OPINION AND ORDER (1) ADOPTING MAGISTRATE JUDGE’S
SEPTEMBER 26, 2016 REPORT AND RECOMMENDATION [ECF NO. 12]
AND (2) DISMISSING CASE FOR FAILURE TO PROSECUTE
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(b)**

Presently before the Court is the Report and Recommendation (“R&R”) issued on September 26, 2016 by Magistrate Judge Patricia T. Morris, recommending that the Court dismiss this case with prejudice for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b). (ECF No. 12.)

Plaintiff Carmen Vega (“Plaintiff”) filed a complaint on April 7, 2016 requesting review of a decision by Defendant Commissioner of Social Security (“Commissioner”). (ECF No. 1.) This case was referred to Magistrate Judge Morris on April 8, 2016 for general case management. (ECF No. 3.) Defendant Commissioner of Social Security filed an answer to the Complaint on August 4, 2016. (ECF No. 8.) Plaintiff failed to file a motion for summary judgment in a

timely manner. Magistrate Judge Morris issued a show cause order due to Plaintiff's failure to timely respond. (ECF No. 11.) The order required Plaintiff to show cause in writing, on or before September 21, 2016, why the magistrate judge should not recommend that the case be dismissed for want of prosecution. (*Id.*)

When Plaintiff failed to respond to the show cause order, Magistrate Judge Morris issued a R&R on September 26, 2016 recommending that the Court dismiss with prejudice Plaintiff's claim against Defendant pursuant to Federal Rule of Civil Procedure 41(b). (ECF No. 12.) At the conclusion of the R&R, Magistrate Judge Morris informs the parties that they must file any objections to the R&R within fourteen days. (*Id.* at Pg ID 204-05.) She further advises that the "[f]ailure to file specific objections constitutes a waiver of any further right of appeal." (*Id.*, citations omitted). No objections were filed.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Morris. By failing to respond to Magistrate Judge Morris's show cause order or Defendant's answer, Plaintiff has failed to prosecute this lawsuit and the action may be involuntarily dismissed pursuant to Federal Rule of Civil Procedure 41(b). As set forth by Magistrate Judge Morris, the relevant factors favor dismissal as a result of Plaintiff's failure to prosecute this action. (*Id.* at Pg ID 203.) The Court therefore adopts Magistrate Judge Morris's September 26, 2016 Report and Recommendation.

Accordingly,

IT IS ORDERED that Plaintiff's complaint against Defendant (ECF No. 1) is **DISMISSED WITH PREJUDICE** under Federal Rule of Civil Procedure 41(b).

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: November 2, 2016

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, November 2, 2016, by electronic and/or U.S. First Class mail.

s/ Richard Loury
Case Manager